

REMARKS

The Examiner has examined claims 1, 2 and 4-27. Claim 3 is withdrawn from consideration. Claims 1, 2 and 4-27 are all the claims pending in the application.

1. Formalities

Applicant thanks the Examiner for acknowledging the election of Species I (claims 2, 7, 12, 17 and 23) and for withdrawing the restriction requirement on claims 8, 13, 18 and 24.

Applicant thanks the Examiner for acknowledging the claim for foreign priority and for confirming that the certified copy of the priority document has been received.

Applicant thanks the Examiner for initialing the references listed in the Information Disclosure Statement filed on April 24, 2001.

2. Drawings

The Examiner has objected to the drawings because Figure 3 shows element 24 which is not mentioned in the description. Applicant has eliminated reference numeral 24 in Figure 3.

3. Specification

The Examiner has objected to the word "vain" (pg. 22, lines 14-18) because it allegedly cannot be understood within the context of the application. Applicant has replaced the word "vain" with "unsuccessful attempted."

4. Claim Objections

The Examiner has objected to claims 16 and 21 because of the following alleged informalities:

1. The Examiner alleges that in claim 16, the phrase "the line reading out" on line 5 should probably be "the line reading light source."

2. The Examiner alleges that in claim 21, the phrase "the line reading out" on line 5 should probably be "the line reading light source."

Applicant has amended the claims as suggested by the Examiner. Applicant submits that these modifications do not narrow or limit the scope of the pending claims.

5. Claim Rejections - 35 USC § 103

The Examiner has rejected claims 1, 2, 4, 5 under 35 U.S.C. § 103(a) as being unpatentable over Zur (US 6,310,358) ["Zur"]. For at least the following reasons, Applicant traverses the rejections.

Claim 1 recites that an image information read-out apparatus comprises "an alarm means which informs the operator that the line reading light source is scanning." The Examiner concedes that Zur does not disclose an alarm means, but contends it would be obvious to one skilled in the art in order to ensure that the Zur apparatus is not exposed to x-rays during a read cycle based on the disclosure in Zur that "[s]ubsequent to X-ray exposure and charge redistribution, detection assembly 150 is prepared for a read cycle" (col. 13, lines 63-65).

Applicant submits that this conclusion is not supported in Zur and can only be achieved through improper hindsight. The only conclusion that one skilled in the art could reasonably make from the cited disclosure is that the detection assembly is read after it has been exposed to X-rays. In fact, Zur does not even suggest that an exposure could not be made during a read cycle, only that a read cycle occurs after an exposure.

Additionally, even if, for the sake of argument alone, one assumes that Zur discloses that an exposure should not occur during a read cycle, Applicant submits that there is no support for the implicit contention by the Examiner that it would be inherent to provide an alarm means. The alleged protection could easily be accomplished by a timer circuit that prevents subsequent exposure without informing (alarming) the operator in any way.

Because claims 2, 4, and 5 depend on claim 1, Applicant submits that these claims are patentable at least by virtue of their dependency.

6. Allowable Subject Matter

Applicant thanks the Examiner for finding allowable subject matter in claims 6-15, 17-20, and 22-27. Applicant submits that the modifications to claims 16 and 21 obviate the objection and also put these claims in a condition for allowance.

With regard to the Examiner's Statement on Reasons for Allowance, the Examiner has not adequately distinguished the recitation of the individual independent claims. None of the independent claims include the entirety of the elements indicated by the Examiner's statement, and claim 11 does not appear to include any such listed features. Therefore, Applicant submits that the claims are allowable based on their respective recitations.

7. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
APPLICATION NO.: 09/839,175

Attorney Docket No.: Q61188

Pursuant to 37 C.F.R. § 1.136, Applicant is submitting a petition (with fee) for one month of extension time herewith, making this response due on or before April 15, 2004. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER


Bhaskar Kakarla
Registration No. 54,627

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